

**RESOLUTION NO. 2014-13**

RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AUTHORIZING THE MAYOR AND THE ACTING CITY CLERK, AS ATTESTING WITNESS, ON BEHALF OF THE CITY, TO ENTER INTO A FIRST AMENDMENT TO THE JOINT PARTICIPATION AGREEMENT DATED SEPTEMBER 9, 2009 BETWEEN THE STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION, AND THE CITY OF HIALEAH, FLORIDA, A COPY OF WHICH IN SUBSTANTIAL FORM IS ATTACHED HERETO AND MADE A PART HEREOF AS EXHIBIT "1", FOR ROADWAY CONSTRUCTION FOR THE WIDENING OF STATE ROAD 916 (WEST 84 STREET), FROM WEST 12 AVENUE TO WEST 4 AVENUE, HIALEAH, FLORIDA, INCLUDING, BUT NOT LIMITED TO, SIDEWALKS, DRAINAGE, STREET LIGHTING SIGNALIZATION IMPROVEMENTS, LANDSCAPING, CONSTRUCTION ENGINEERING AND INSPECTION SERVICES AND PROJECT UTILITY ADJUSTMENTS.

**WHEREAS**, the Florida Department of Transportation has funded roadway improvements on S.R. 916 (West 84 Street) from West 12 Avenue to West 4 Avenue (Financial Project Numbers 407718-1-58-01, 407718-1-68-01 and 407718-1-56-02) in an amount not to exceed \$4,952,880.00; and

**WHEREAS**, pursuant to Hialeah, Fla., Resolution 09-98 (Aug. 12, 2009), the City of Hialeah entered into a Joint Participation Agreement between the State of Florida, Department of Transportation, and the City of Hialeah dated September 9, 2009 wherein FDOT agreed to reimburse the City for eligible project costs; and

**WHEREAS**, the City desires to enter into a First Amendment to the Joint Participation Agreement wherein the parties have agreed to a redistribution of funds as outlined in Exhibit "1" as attached to the Amendment.

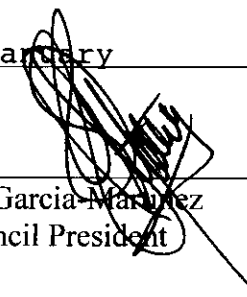
NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

**Section 1:** The foregoing facts and recitations contained in the preamble to this resolution are hereby incorporated and adopted by reference as if fully set forth herein.

**Section 2:** The City of Hialeah, Florida hereby authorizes the Mayor and the Acting City Clerk, as attesting witness, on behalf of the City, to enter into a First Amendment to the

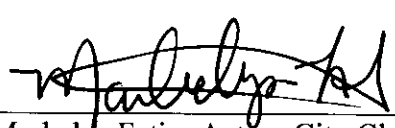
Joint Participation Agreement dated September 9, 2009 between the State of Florida, Department of Transportation, and the City of Hialeah, Florida, a copy of which in substantial form is attached hereto and made a part hereof as Exhibit "1", for roadway construction for the widening of State Road 916 (West 84 Street), from West 12 Avenue to West 4 Avenue, Hialeah, Florida, including, but not limited to, sidewalks, drainage, street lighting, signalization improvements, landscaping, construction engineering and inspection services and project utility adjustments.

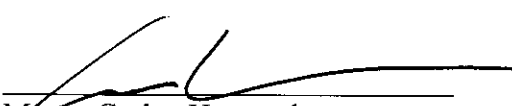
PASSED AND ADOPTED this 28 day of January, 2014.

  
\_\_\_\_\_  
Isis Garcia-Martinez  
Council President

Attest:

Approved on this 30 day of JANUARY, 2014.

  
\_\_\_\_\_  
Marbelys Fatjo, Acting City Clerk

  
\_\_\_\_\_  
Mayor Carlos Hernandez

Approved as to form and legal sufficiency:

  
\_\_\_\_\_  
William M. Grodnick, City Attorney

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Resolution was adopted by a (7-0) unanimous vote with Councilmembers, Caragol, Casals-Muñoz, Cue-Fuente, Garcia-Martinez, Gonzalez, Hernandez and Lozano voting "Yes".

**AMENDMENT ONE TO JOINT PARTICIPATION AGREEMENT  
BETWEEN THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION  
AND THE CITY OF HIALEAH**

This Amendment One to that certain Joint Participation Agreement #APN38, executed on September 9, 2009 (the "Contract"), incorporated herein by reference, between the City of Hialeah, a component agency of the State of Florida ("CITY"), and the State of Florida Department of Transportation, a component agency of the State of Florida ("DEPARTMENT"), for roadway improvements on State Road 916/NW 138<sup>th</sup> Street/W 84<sup>th</sup> Street from NW 67<sup>th</sup> Avenue/W 12<sup>th</sup> Avenue to NW 57<sup>th</sup> Avenue/W 4<sup>th</sup> Avenue, programmed under Financial Project Numbers 407718-1-58-01, 407718-1-68-01 and 407718-1-56-02 ("PROJECT"), is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**RECITALS:**

**WHEREAS**, the Contract was entered into by both parties pursuant to the approval of the DEPARTMENT and the CITY Council with Resolution Number 09-98, in the total amount of Four Million Nine Hundred Fifty Two Thousand Eight Hundred Eighty Dollars (\$4,952,880.00) for PROJECT costs; and

**WHEREAS**, it is necessary to amend Exhibit "B", 'Financial Summary', to redistribute the funds for the PROJECT, as detailed in the attached Exhibit '1', 'Redistribution of Funds', which is herein incorporated by reference;

**NOW, THEREFORE**, for the considerations hereinafter set forth:

The Contract dated September 9, 2009, is hereby amended as follows:

EXHIBIT "B" shall be modified as identified in the attached Exhibit '1'.

All other terms and conditions of the Contract are in effect and remain unchanged.

**CITY OF HIALEAH:**

**STATE OF FLORIDA, DEPARTMENT OF  
TRANSPORTATION:**

By \_\_\_\_\_  
CITY Mayor

By: \_\_\_\_\_  
Director of Transportation Operations

**ATTEST:  
(SEAL)**

**ATTEST:  
(SEAL)**

By \_\_\_\_\_  
CITY Clerk

By: \_\_\_\_\_  
Executive Secretary

**LEGAL REVIEW:**

**LEGAL REVIEW:**

By: \_\_\_\_\_  
CITY Attorney

By: \_\_\_\_\_  
District Chief Counsel

— Exhibit "1" —

**EXHIBIT '1'**

**Redistribution of Funds**

Financial Project Number 407718-1-58-01  
PROJECT Construction and Landscape:

\$4,100,000.00  
(\$211,762.00)  
\$3,888,238.00

Financial Project Number 407718-1-68-01  
PROJECT Construction Engineering and Inspection (CEI) services  
and Verification Laboratory Testing:

\$830,000.00  
\$163,070.00  
**\$993,070.00**

Financial Project Number 407718-1-66-02  
PROJECT Utility Adjustments:

\$22,880.00

**Total PROJECT Cost Estimate: \$4,952,880.00**